

Appl. No. 09/857,007
Amendment in response to
Office Action mailed 10/03/2003

REMARKS

In the Office Action mailed 10/03/2003, the Examiner rejected claims 1-11 under 35 U.S.C. s. 103(a) as unpatentable over Mitschele et al. United States Patent no. 5,777,951 in view of Sterzer United States Patent no. 4,001,822 and rejected claim 12 under 35 U.S.C. s. 103(a) as unpatentable over Mitschele et al. United States Patent no. 5,777,951 in view of Mongiardino PCT published application no. 99/30290. Claims 1 has been amended. Claim 12 has been canceled. New claims 13 and 14 have been added. Reconsideration of the amended claims having regard to the following comments is respectfully requested. It is submitted that the presently-submitted claims are patentable over the prior art of record.

Sterzer discloses a cooperative signalling system in which a license tag is mounted on a vehicle and an interrogating station remote from the vehicle direct interrogation signals to the tag and in reply thereto the tag transmits reply signals to the interrogation station. The application of the system disclosed in Sterzer then provides a two-way communication system whereby the interrogator station communicates a message to the vehicle (column 8 lines 3-9, 29-44). The examples given in Sterzer relate to communicating general codes to groups of vehicles indicating hazardous conditions, detours, speed zones etc. (column 8 lines 33-35), or messages to specific vehicles such as stop and check in at the station (column 8 lines 42-44). The problems addressed in Sterzer are traffic control, collision avoidance, automatic braking and wayside communication systems (column 1, lines 19-26) and remote identification of fast moving vehicles (column 1, lines 27-29). There is no suggestion that the system would have use in parking meter applications.

The Mitschele United States patent no. 5,777,951 states at column 3 lines

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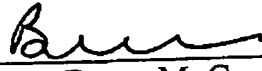
41-44 that "In future other means of identifying vehicle 14 may be developed. For example, the development of a "smart plate" may permit electronic identification of the vehicle." No identification of any such "smart plate" or how it might operate are provided. Mitschele '951 therefore implies that the existing technology would not be suitable for electronic identification of the vehicle in the context of a parking meter. The person skilled in the art would therefor not be led by that comment to investigate existing technologies such as the Sterzer technology published in 1977, which involves the use of an interrogator, to solve the problem of how to identify vehicles in a parking meter context.

Further, it would not have been obvious to one skilled in the art that Sterzer would have application in a parking meter application. In Sterzer, the interrogator is contemplated as being at a substantial distance from the interrogated vehicle so that the range of the antenna in the case of an interrogator covering moving traffic in one lane of a two lane highway is 12 feet (column 10, lines 18-21) or 100 meters for a police vehicle interrogator. Sterzer clearly therefore did not contemplate a parking meter application where the maximum range to avoid interference would be approximately one parking space. The presently claimed invention therefore discovers that Sterzer's previous technology, which was not contemplated for application in the area of parking meters, has surprising benefits when applied to parking meter monitoring.

It is submitted therefore that the presently-submitted claims are allowable, and issuance of a Notice of Allowance is respectfully requested.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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Name of Person Signing Certification

 April 5, 2004